

vested in the Secretary under IRA (25 U.S.C. § 465) and Part 151 regulations, and avoided a Section 20 two-prong analysis under IGRA. Skibine also attempted to counter Duffy's viewpoint that Section 20 should be included as a basis for the denial by writing in an accompanying e-mail that IGMS was still drafting a memo concerning the Section 20 analysis. The memo, Skibine offered, would conclude that the Hudson casino proposal would not be detrimental to the surrounding community. Such a conclusion, if adopted, would have made it impossible to base the denial upon Section 20. In the same e-mail, Skibine reminded the Interior personnel that the applicants had been told the Section 20 analysis would be completed by the end of the month.

On June 30, at 10:50 a.m., Sibbison e-mailed Skibine and Woodward, stating that she had faxed the draft letter to Duffy that morning, and he had promised a response that afternoon. In her e-mail, Sibbison suggested the draft not include reference to the opposition of nearby tribes, for two reasons. First, she suspected that if the applicants could garner local non-Indian support, the Department would reconsider its denial. Second, Sibbison agreed with Collier's uneasiness about some tribes "getting all the goodies." In addition, in her e-mail, Sibbison recommended having Assistant Secretary Deer sign the denial letter – thus eliminating any rights of appeal within the Department – as a means for getting the applicants to work on "trying to build a

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<sup>381</sup>(...continued)

Thomas Hartman of the IGMS. Skibine told investigators that he had likely been working on that draft for at least several days before it was circulated.